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March 28, 2023

Honorable Lewis J. Liman  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United State Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Tobias Moeller-Bertram v. Gemini Trust Co., LLC, et al., No. 1:23-cv-02027 (S.D.N.Y.)

Dear Judge Liman:

Counsel for Defendants Digital Currency Group, Inc. (“DCG”), Gemini Trust Company, LLC (“Gemini”), and Plaintiff Tobias Moeller-Bertram (collectively, the “Parties”) respectfully submit this joint letter concerning the initial pre-trial conference scheduled for April 7 in the above-referenced action (the “Action”).

On March 14, 2023, the Court issued a notice ordering the Parties to appear for an initial pre-trial conference scheduled for April 7, 2023. The Court further ordered the Parties to jointly submit a proposed Case Management Plan and Scheduling Order a week before the initial pretrial conference, which would fall on March 31, 2023. *See* Dkt. No. 8.

On March 14, 2023, simultaneously with the Court’s entry of the initial pre-trial conference, counsel for DCG and Plaintiff filed an unopposed joint letter-motion requesting to stay DCG’s time to answer, move, or otherwise respond to the Complaint in this Action until resolution of Plaintiff’s anticipated motion to remand the Action to the Supreme Court of the State of New York, New York County, and to defer the time for the Parties to submit a proposed schedule responding to the Complaint until after such time. *See* Dkt. No. 9, 9-1. This Court granted the joint letter-motion the following day, on March 15. *See* Dkt. No. 10.

On March 16, 2023, Gemini filed a Motion to Compel Arbitration pursuant to the Federal Arbitration Act, requesting that the Court (i) arbitrate Gemini’s claims in accordance with the applicable arbitration agreements, and (ii) stay this Action pending the outcome of arbitration. *See* Dkt Nos. 14-15.

All Parties have conferred and respectfully submit, subject to the Court's approval, that all discovery and further proceedings should be deferred pending the Court's resolution of the threshold forum issues presented by Plaintiff's anticipated remand motion and Gemini's motion to compel arbitration. Further, all discovery is currently automatically stayed under the Private Securities Litigation Reform Act of 1995. *See* 15 U.S.C. § 78u-4(b)(3)(B).

Accordingly, the parties respectfully request that the Court defer the Parties' preparation of a Case Management Plan and Scheduling Order and adjourn the initial pre-trial conference until after the Court has addressed the threshold forum issues.

Respectfully Submitted,

/s/ Jonathan D. Polkes  
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*Attorneys for Plaintiff Tobias Moeller-Bertram*

**SO ORDERED: The request is GRANTED.**  
**The deadline for filing the case management**  
**plan and the initial pretrial conference currently**  
**scheduled for April 7, 2023 are ADJOURNED**  
***sine die.* 3-28-23.**

  
LEWIS J. LIMAN  
United States District Judge